

FILED

October 9, 2002

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF :

Administrative Action

ALAN OTTENSTEIN, M.D.
LICENSE NO. M.A. 51042

INTERIM CONSENT AGREEMENT

TO PRACTICE MEDICINE AND
SURGERY IN THE STATE OF
NEW JERSEY.

This matter having come before the Board of Medical Examiners (the "Board") by way of Complaint and Order to Show Cause dated September 27, 2002, and Dr. Ottenstein having filed a Verified Answer, a First Amended Verified Answer, a Motion to Suppress Expert Reports and Memorandum of Law in Opposition to the Order to Show Cause, along with accompanying certifications, and for good cause shown:

It is on this 9th day of October, 2002 stipulated by the parties that pending a final resolution of the issues set forth in the Complaint:

1. Dr. Ottenstein agrees that:

- a. He will perform transforaminal epidural injections only under fluoroscopic guidance
- b. He will not perform transforaminal injections at more than two vertebral levels per day on any given patient, without the prior written approval of the reviewer, and will not perform bilateral cervical injections.
- c. Dr. Ottenstein will not perform transforaminal injections until a reviewer has been approved by the Board. Prior to performing any transforaminal injections without the presence of the reviewer, the reviewer shall witness Dr. Ottenstein's injection technique until such time as he approves of that technique in writing.
- d. He will not train others in the use of epidural injections and will not employ other physicians in his practice to perform transforamid epidural injections, without prior approval of the Board. He may, however, discuss this issue at meetings and in written materials.
- e. He will not employ the services of a physician's assistant (P.A.) to perform transforaminal epidural injections, ~~except for caudal injections, which may be done by a P.A. after the reviewer has observed the P.A.'s technique and approved of same.~~ ^{PAGE}
- f. He will not, in administering transforaminal epidural injections, exceed the greater of the maximum dosage recommendations for steroids and anesthetic agents, and the greater of the frequency of injection recommendations, as set forth in the attached document of the International Spinal Injection Society, the attached Educational Guidelines of PASSOR, or the attached article Contemporary Concepts in Spine

Care, Lumbar Epidural Steroid Injections, or in accordance with any subsequent peer reviewed published guidelines of these organizations, without the prior written approval of the reviewer.

- g. The reviewer shall receive a copy of the pleadings and this Consent Agreement. The reviewer shall provide monthly reports to the Board setting forth the nature of the cases reviewed and his findings, monthly, for the first three months following his appointment. Thereafter, he shall file these reports quarterly, unless the Board finds, based upon his prior reports, that monthly reports shall be continued. The reviewer shall also report, within twenty-four hours, any information which comes to his attention which indicates any violation of this Consent Order, or conduct which may present a danger to the public health, welfare, or safety. A copy of all correspondence from the reviewer shall be provided by the Board to the Attorney General's Office and to Dr. Ottenstein's counsel.
- h. The reviewer shall be a person agreed upon by the Attorney General, Dr. Ottenstein and approved by the Board, which approval shall not be unreasonably withheld, and who shall agree, in Writing, to act in accordance with the terms of this Order. Such person shall be experienced in the pain management techniques here at issue. The reviewer's fees shall be borne by Dr. Ottenstein.

- 2. It is understood that the voluntary agreements contained herein are being made for purposes of resolving issues raised in the Order to Show Cause, pending hearing, without any admissions or findings of any kind and shall apply to his practice in New Jersey as well as to his care of all residents of New Jersey. It is further understood that by entering into this agreement, the Board has ordered no restrictions or limitations upon Dr. Ottenstein's license

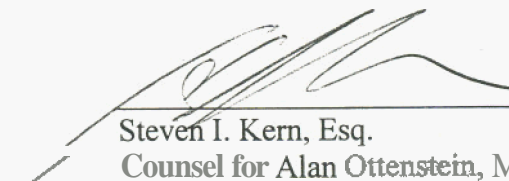
and that this agreement does not constitute a disciplinary action.

David Samson
Attorney General of New Jersey


By: 
Kay Ehrenkrantz
Deputy Attorney General


Alan Ottenstein, M.D.

Consented to as to Form


Steven I. Kern, Esq.
Counsel for Alan Ottenstein, M.D.

State Board of Medical Examiners

By: 
William Harrer, M.D.
President

Dated: October 9, 2002